

South Dakota Board of Massage Therapy

Post Office Box 1062
Sioux Falls, SD 57101-1062
605/271-7103
www.massage.sd.gov

April 2008

MEMORANDUM

RE: Licensure Renewal
Important Licensure Matters

LICENSURE RENEWAL

- ❖ Enclosed is your Annual Licensure Renewal DUE 30 DAYS PRIOR to the EXPIRATION DATE. Please note the Renewal Due Date on your label. A \$75 late penalty is required if you miss the due date so please mail it in plenty of time.

36-35-16. Renewal of license. Any person holding a valid license under this chapter may renew that license by paying the required renewal fee and providing proof of compliance with the continuing education requirements set by the board at least thirty days prior to the expiration of the current license. Any person who submits a license renewal late shall submit a seventy-five dollar late fee. Any person whose license has lapsed shall reapply for a license.

- ❖ You will receive a wallet-size renewal card upon your annual renewal.
- ❖ Your proof of continuing education is not due until your second renewal so please do not send your proof with this Renewal.

36-35-19. Continuing education requirements. Any person licensed under this chapter shall complete eight hours of continuing education relating to competence in the practice of massage on a biennial basis of a type and from a facility or instructor approved by the board. No more than four of the required continuing education hours may be obtained by electronic means. The board may waive the continuing education requirement upon proof of illness or hardship.

- ❖ If you wish to discontinue practicing massage therapy for an undetermined amount of time and move your license to Inactive status, please contact the office for that form (sdmtb.msp@midconetwork.com).

36-35-18.1. Inactive license--Fee. The board may issue an inactive massage therapist license upon payment of the application fee.

- ❖ If you wish to discontinue practicing massage therapy permanently and not be licensed, please return your original license with a written statement of such.

- ❖ The law requires you to display your license where you practice.

36-35-8. Display of license. Any person engaged in the practice of massage in this state shall conspicuously display a valid license or certified duplicate license from the board in the person's place of business.

MANDATORY PRACTICE LAW

- ❖ July 1, 2008 marks the end of grandfathering licensees. On that date, the Board will have a recognized program of training/study required for all applicants.
- ❖ The mandatory practice law has been in effect since July 1, 2005. A license issued by this office is required to practice massage therapy in SD. There is NO exception. It does not matter whether they are working in a chiropractic office, their home, or a salon. Please notify the office if you know this law is not being adhered to and we will follow-up. Please understand we refrain from taking this information anonymously for ethical reasons, but be assured your name will never be used for any purpose in the follow-up.

... more, over ...

DEFINITION OF SERVICES / LAWS

- ❖ We have been in frequent communication with the Cosmetology Commission in regard to the crossover of training and services of massage therapists, cosmetologists, and estheticians. Since no changes have been made yet, please understand that we must adhere to the laws as they stand. Therefore, massage therapists cannot do wraps, scrubs, or the like since they are not in the definition of massage therapy and they are included in the cosmetology laws. Also, those licensees can only do superficial massages in limited body areas. And since the inception of the massage therapy law, they can no longer do chair massage. Applicable portions of all of the laws are outlined below. Please adhere to these laws until further notification from our Board of Directors. We appreciate your patience and understanding as we deliberate and work toward a resolution.

MASSAGE THERAPY LAW:

36-35-1. Definitions. Terms in this chapter mean:

(2) "**Massage**," the systematic mobilization of the soft tissues of the body through the application of hands or devices for the purposes of therapy, relaxation, or education through means which include:

- (a) Pressure, friction, stroking, rocking, kneading, percussion, compression, or stretching;
- (b) External application of water, heat, cold, lubricants, or other topical agents; or
- (c) The use of devices that mimic or enhance actions done by hands;

COSMETOLOGY LAWS:

36-15-2. License required to **practice cosmetology**--Acts constituting practice of cosmetology. No person may engage in the practice of cosmetology unless the person is licensed by the commission. A person is engaged in the practice of cosmetology if that person, for compensation, a fee, or any valuable consideration, engages in any of the following practices with hands, chemicals, or any mechanical or electrical apparatus or appliance for beautifying or cosmetic purposes:

- (1) Hair care by styling, wrapping, arranging, braiding, twisting, weaving, extending, fusing, dressing, curling, waving, permanent waving, singeing, cleansing, shampooing, cutting, bleaching, setting, coloring, straightening, relaxing, fitting, massaging, or similar work upon the hair, scalp, wigs, or hairpieces of a person;
- (2) Nail technology;
- (3) Esthetics; or
- (4) Removal of superfluous hair by nonpermanent means.

36-15-2.2. License required for **practice of esthetics**--Practices constituting esthetics. No person may engage in the practice of esthetics unless the person is licensed by the commission. A person is engaged in the practice of esthetics if that person, for compensation, a fee, or any valuable consideration, engages in any of the following practices with hands, chemicals, or any mechanical or electrical apparatus or appliance for beautifying or cosmetic purposes:

- (1) Beautifying, massaging, cleansing, exfoliating, stimulating, or applying oils, creams, cosmetic preparations, make-up, facial treatments, body treatments, body wraps, antiseptics, scrubs, clays, lotions, masks, waxes, or other preparations for the noninvasive care of the skin. For purposes of this subdivision, noninvasive means confined to the nonliving cells of the stratum corneum of the epidermis. Such practices shall be in a superficial mode and not for the treatment of medical disorders, and living cells may never be altered, cut, or damaged; Esthetics does not include scalp treatments or scalp massage.

36-15-17.2. License required to **practice nail technology**--Practices constituting nail technology. No person may engage in the practice of nail technology unless the person is licensed by the commission. A person is engaged in the practice of nail technology if that person, for compensation, a fee, or any valuable consideration, engages in any of the following practices with hands, chemicals, or any mechanical or electrical apparatus or appliance for beautifying or cosmetic purposes:

- (3) Massaging, cleansing, and exfoliating a person's hands, arms, feet, and legs. Nail technology does not include hair removal, cutting nail beds, treating corns or calluses, or any medical treatment involving the feet, hands, or nails.

For complete Laws and Administrative Rules for the professionals go to:

www.message.sd.gov

<http://www.state.sd.us/dol/boards/cos/licensin.htm>